

**RICHARD E. FISCHBEIN, MD,** )  
individually and on behalf of all others )  
similarly-situated, )  
) Civil Action No. 19-5365  
Plaintiff, )  
) **Hon. Nitza I. Quiñones Alejandro**  
v. )  
) CLASS ACTION  
**IQVIA, INC.,** )  
) )  
Defendant. )

***Counsel for Plaintiff  
and the Putative Class***

For the reasons discussed in Plaintiff's contemporaneously-filed memorandum, Plaintiff respectfully requests that the Court reconsider its Order denying Plaintiff's motion for class certification. ECF 120. The ruling effectively bars TCPA junk fax class actions, regardless of the strength of the evidence or the clarity of the transmission records. Such a result is not compelled by Rule 23, the TCPA, or binding Third Circuit precedent. Alternatively, Plaintiff asks the Court to certify a narrower class under Rule 23(b)(3), excluding anyone who received Defendant's faxes through an online fax service, or to certify an issues class under Rule 23(c)(4).

Dated: June 20, 2025

Respectfully submitted,

By: /s/ Phillip A. Bock

Richard Shenkan (PA 79800)  
Shenkan Injury Lawyers, LLC  
P.O. Box 7255  
New Castle, PA 16107  
(412)716-5800  
rshenkan@shenkanlaw.com

Phillip A. Bock (pro hac vice)  
Bock Hatch & Oppenheim, LLC  
203 N. La Salle St. Ste. 2100  
Chicago, IL 60601  
(312) 658-5500  
service@classlawyers.com

Lawrence F. Stengel  
Saxton & Stump, LLC  
280 Granite Run Dr., Ste. 300  
Lancaster, PA 17601  
(717)556-1080  
lfs@saxtonstump.com

*Counsel for Plaintiff and the Class*